

PATENT

REMARKS

Claims 1-20, 42 and 44 are currently pending. By this amendment, Claims 1 and 14, the sole independent claims, have been amended, with minor amendments being made to claims 2, 3, 4, 8, 12, 14, 16, 19, and 20. Applicants do not believe that any new matter has been introduced as a result of the claim amendments. The amendment of Claim 1 essentially incorporates various limitations in Claims 2, 6, 7 and 11, while amended Claim 14 incorporates various features of Claims 15 and 18.

The specification has been amended as suggested by the Examiner.

Claims 1-3, 5-7, 10, 14-18, 20, 42 and 44 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,025,755 (Koetting). The arguments in support of this rejection are discussed on page 3 of the Official Action and not herein repeated.

Claims 1-3, 5-7, 14-18, 42 and 44 have also been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,094,521 (Jolson). The arguments in support of their rejection are set forth on page 4 of the Official Action, and not herein repeated.

Claims 4, 11, 12, and 13 have been rejected under 35 U.S.C. §103(a) for reasons set forth on pages 4-5 of the Official Action and not herein repeated. However, since Claims 1 and 14 are the sole pending independent claims, and said claims have not been rejected under 35 U.S.C. §103(a), in the event Claims 1 and 14 are patentable over the Koetting and Jolson references, then all remaining claims, .i.e. those depending from Claims 1 and 14, should likewise be found to be patentable. In the circumstances, Applicants respectfully traverse all pending grounds for rejection, in view of the amendments herein to Claims 1 and 14.

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Koetting (U.S. Patent No. 3,025,755) is not concerned with refractive laser surgery, the subject of amended Claims 1 and 14, but with a device for testing a subject's visual field. The gaze fixation device comprises a single central light spot 18 [actually an aperture for a light bulb 29 in an opaque front screen of a light box]; the gaze is adjusted so that blind spot light ring 19 or 19' is not visible. The other light spots 21 are operated successively and tachistoscopically. The passage at column 4, lines 34 to 60, explains the specific role of the single central light spot 18 in holding the patient's gaze.

With reference to Figure 1, the equipment is not "refractive laser surgery apparatus", and the fixation apparatus does not limit the rotation of the ocular globe of the patient's eye during refractive surgery. The fixation target means does not comprise:

"light emitting means that when activated defines at least two intersecting substantially mutually perpendicular elongate components, each having a location and orientation that remains fixed during said surgery on the eye".

Jolsen (U.S. Patent No. 5,094,321) is also not concerned with refractive laser surgery, but with apparatus for evaluating eye alignment. An inverted-T board 23 or dish 43 has individual target spots 24, 45. During use, the subject target is directed to stare at predetermined target spots 24, 45 (column 3, line 51), so that the set of spots 24, 45 is not the target but rather each specific spot is a selectable gaze point (Claim 8). In a particular embodiment (best disclosed in Claim 9), the gaze points are plurality of lights activated selectively by the computer controller to determine the gaze points for the production of respective graphic images of the patient's gaze.

This disclosure is not a refractive laser surgery apparatus, and the fixation target means does not comprise light emitting means that "when activated defines at least two

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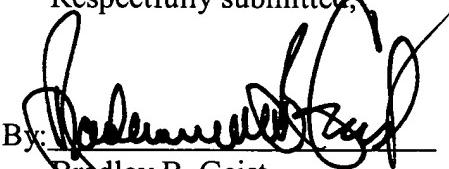
intersecting substantial mutually perpendicular elongate components". In Jolsen, the light emitting means are activated individually and define single point gaze points or fixation targets.

In view of Applicants position on the patentability of Claims 1 and 14, it is not believed necessary to provide any remarks directed to any of the references relied upon by the Examiner in constructing the §103(a) ground for rejection of various dependent claims.

Applicants respectfully request reconsideration of the pending claims.

Respectfully submitted,

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